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Attorneys for Defendants

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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

ELISSA M. ROBERTS, Individually and on
Behalf of All Others Similarly Situated,

Plaintiff,

vs.

BLOOM ENERGY CORPORATION, et al.,

Defendants.

Lead Case No. 4:19-cv-02935-HSG

CLASS ACTION

**STIPULATION AND ORDER
MODIFYING SCHEDULE FOR CLASS
CERTIFICATION BRIEFING**

Assigned to: Honorable Haywood S. Gilliam, Jr.

STIPULATION

Pursuant to Civil Local Rule 7-12, this stipulation and proposed order is submitted by

- Lead Plaintiff James Everett Hunt (“Lead Plaintiff”);
- Defendants Bloom Energy Corporation, KR Sridhar, Randy Furr, L. John Doerr, Scott Sandell, Peter Teti, Eddy Zervigon, Mary K. Bush, and Kelly A. Ayotte (the “Bloom Defendants”); and
- Defendants J.P. Morgan Securities LLC, Morgan Stanley & Co. LLC, Credit Suisse Securities (USA) LLC, KeyBanc Capital Markets Inc., Merrill Lynch, Pierce, Fenner & Smith Incorporated, Cowen & Company, LLC, HSBC Securities (USA) Inc., Oppenheimer & Co. Inc., Raymond James & Associates, Inc., and Robert W. Baird & Co. Incorporated (the “Underwriter Defendants,” and together with the Bloom Defendants, “Defendants”).

WHEREAS:

1. On January 5, 2022, the Court entered an Order (ECF No. 175), pursuant to the parties’ stipulation (ECF No. 171), setting the following schedule for class certification briefing:
 - a. Class Certification Motion Due March 18, 2022;
 - b. Class Certification Opposition Due May 2, 2022;
 - c. Class Certification Reply Due June 1, 2022; and
 - d. Class Certification Motion Hearing June 30, 2022, at 2:00 p.m.
2. On March 15, 2022, the Bloom Defendants served their First Set of Document Requests on Plaintiffs (“Bloom RFPs”).
3. On March 18, 2022, Lead Plaintiff filed his Motion for Class Certification (ECF No. 183).
4. On April 14, 2022, Lead Plaintiff served his written Responses to the Bloom RFPs.
5. On April 19, 2022, the Bloom Defendants noticed Lead Plaintiff’s deposition for May 2, 2022.

6. On April 19, 2022, the Bloom Defendants also contacted Lead Plaintiff to inquire about his document production and to indicate that they would like an extension to file their opposition to Lead Plaintiff's Motion for Class Certification.

7. On April 22, 2022, Lead Plaintiff made his first production of documents in response to the Bloom RFPs.

8. On April 27, 2022, counsel for the Bloom Defendants and Lead Plaintiff met and conferred, and Lead Plaintiff's counsel confirmed that they were reviewing additional documents for production on behalf of Lead Plaintiff in response to the Bloom RFPs. The parties agreed that this production would be completed by May 2, 2022. The parties also agreed to reschedule the deposition of Lead Plaintiff to May 5, 2022, after Lead Plaintiff's document production was complete.

9. In light of Lead Plaintiff's upcoming document production on May 2, 2022, and deposition on May 5, 2022, Defendants require additional time for their Opposition to Class Certification, which is currently due on May 2, 2022, so that they may review Lead Plaintiff's document production and take Lead Plaintiff's deposition prior to filing their Opposition.

10. The Parties agree that the deadline for the Class Certification Opposition should be extended by two weeks, to May 16, 2022, and the deadline for the Class Certification Reply should also be extended accordingly, to June 15, 2022.

11. The Parties agree, subject to the Court's calendar, that the date and time of the Class Certification Motion Hearing should not be changed.

IT IS THEREFORE STIPULATED AND AGREED by Defendants and Lead Plaintiff that, subject to the Court's approval:

(a) The deadline for Defendants to file their Class Certification Opposition is extended to May 16, 2022.

(b) The deadline for Lead Plaintiff to file his Class Certification Reply is extended to June 15, 2022.

(c) The Class Certification Motion Hearing shall not be moved and shall remain on June 30, 2022, at 2:00 p.m.

IT IS SO STIPULATED.

Date: April 29, 2022

By: /s/ Sara B. Brody

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Date: April 29, 2022

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Date: April 29, 2022

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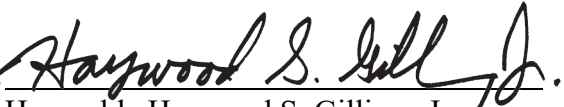
Attorneys for the Underwriter Defendants

ORDER

Pursuant to the parties' stipulation, and for good cause shown, IT IS SO ORDERED that:

- a) The Court hereby adopts the schedule for class certification briefing as set forth above in the Parties' stipulation.

DATED: 5/2/2022

By: 
Honorable Haywood S. Gilliam, Jr.
United States District Judge